

REMARKS

In response to the Office Action dated June 23, 2005, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-6, 8-14, 16 and 17-20 are pending. Claims 7 and 15 are canceled and claims 1, 8, 10 and 16 are amended. Claims 18-20 are newly added. The amendments to the claims contain no new matter and are supported by the entire specification, including the drawings and the claims.

Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakajima et al. This rejection is traversed for the following reasons.

Claim 1 recites "a stationary or fixed-position buoy."

Support for these features is found at least at Figures 1 and 2 of Applicant's specification.

Nakajima does not teach or suggest these features.

Nakajima teaches an information-transmitting buoy that is used to save victims and/or survivors of an accident at sea. As best understood, the buoy is carried on a rescue boat and thrown into the sea in order to drift in or around the location of a potential victim or survivor of an accident at sea [0002]. In fact, at page 5, paragraph 1 of the present Office Action, the Examiner stated that "Nakajima teaches a buoy that drifts in the marine water body for use in rescue operation of a stranded victim, hence a tether and mooring operable to secure the flotation device at a fixed location is unnecessary." The Examiner then concludes that it would have been obvious for one of ordinary skill in the art to incorporate into Nakajima a fixed buoy. Applicant respectfully disagrees.

It would not have been obvious to incorporate a fixed-position or stationary buoy in Nakajima. In fact, the buoy in Nakajima would be ineffective and useless if it were fixed or stationary. As best understood, the buoy in Nakajima must be permitted to randomly drift into the ocean in order to find victims and/or survivors of an accident at sea. For instance, Nakajima states that if a vessel or an aircraft monitored an area of radius 10km, then it would take approximately 4 days to do so. Instead, if several information-transmitting buoys were strategically placed to drift in a random fashion in that 10km radius, it would most likely take

01060 (BLL-0059)

less than 4 days to locate victims and/or survivors of such accidents. If we were to assume that the buoys released to sea in Nakajima were stationary or fixed, then they would serve absolutely no purpose since they would not be able to track victims and/or survivors. Therefore, the buoys of Nakajima need to be mobile at sea.

In contrast, in embodiments of the invention, the buoy is in a stationary position because to monitor one specific or predetermined location. For example, in exemplary embodiments, the buoy could potentially be used to monitor illegal fishing or dumping activity in a specific or predetermined location. If the fixed-position or stationary buoy were to drift a few hundred feet from that specific or predetermined location, then the buoy would be ineffective in monitoring that location. Therefore, the buoys in embodiments of the invention are fixed at sea.

As a result, it would not have been obvious to fix the buoy of Nakajima. Consequently, Nakajima, as admitted by the Examiner, fails to teach a fixed-position or stationary buoy, as recited in claim 1.

Furthermore, the buoy of this application monitors an area with continuous real-time images. As best understood, this is not the case in Nakajima. Nakajima merely takes snapshots of the area of interest and transmits such data to a base station ([0006], [0010], [0022]). Nowhere does Nakajima specify a "continuous" stream of images or "real-time" reception and/or transmission of continuous images, as recited in claim 1.

For at least the above reasons, claim 1 is patentable over Nakajima.

Claims 2-6, 8 and 9 depend from claim 1 and are patentable over Nakajima for at least the reasons advanced with reference to claim 1.

Claim 10 includes features similar to those discussed above with reference to claim 1 and is patentable over Nakajima for at least the reasons advanced with reference to claim 1.

Claims 11-14, 16 and 17 depend from claim 10 and are patentable over Nakajima for at least the reasons advanced with reference to claim 10.

Claims 18-20 are newly added. Support for these features is found at least at page 2, lines 19-24, page 4, lines 17-21 and page 6, lines 19-23 of Applicant's specification.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: August 16, 2005